

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
June 26, 2018 Approved minutes
6:33 p.m.

Members Present

Steve Herzog, Chairman
Wilson Lambert, Vice Chairman
Joe Heffern, Member
Carol Kulp, Member
Katja DiRado, Member

Township Staff Present

Scott Swichar, Township Manager
Pani Martin, Township Treasurer
Lisa Valaitis, Township Secretary

Township Solicitor

Mike Crotty

1. CALL TO ORDER, SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

Chairman Steve Herzog called the meeting to order at 6:33 p.m.

2. DISCUSSION

A. RULES OF CONDUCT

Chairman Herzog stated the Rules of Conduct are posted in the back of the room.

B. APPROVAL OF MINUTES

1) May 22, 2018 Board of Supervisors Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the May 22, 2018 Board of Supervisors meeting minutes as presented. Supervisor Carol Kulp seconded.

VOTE: 5-0

2) May 23, 2018 Board of Supervisors Special Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the May 23, 2018 Board of Supervisors Special meeting minutes as presented. Supervisor Kulp seconded.

VOTE: 5-0

3) June 12, 2018 Board of Supervisors Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the June 12, 2018 Board of Supervisors meeting minutes as presented. Supervisor Kulp seconded.

VOTE: 4-0 (Supervisor Kulp abstained.)

C. CITIZENS BY REQUEST

1) Diana McLimans – Red Raider Marching Band Vendor Fair.

Ms. Diana McLimans discussed the Coatesville Area School District's Red Raider Marching Band Vendor Fair. She stated they had previously obtained East Fallowfield Township Board of Supervisors approval to use the park for two dates for this vendor fair. However, both approved dates were rained out and they would like to reschedule the event. She requested use of the park on Sunday, July 22 from 12-4 pm for the vendor fair. Township Secretary Lisa Valaitis stated the park is available on July 22.

MOTION: Chairman Herzog made a motion to approve the Red Raider Marching Band Vendor Fair to be rescheduled for July 22, 2018 from 12-4pm. Supervisor Wilson Lambert seconded.

VOTE: 5-0

D. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

1) Westwood & Modena Fire Department Update.

Chairman Herzog asked Township Manager Scott Swichar to request the quarterly financial report from Westwood Fire Department. Township Manager Swichar reported he met with Chief McWilliams and Chief Sly from Westwood Fire Company and they did agree to submit quarterly financial reports to the Township. Chief John Sly reported that Township Manager Swichar and Chief McWilliams met last week. It was a positive meeting and Westwood is pleased to have Township Manager Swichar on board. Chief Sly stated that Westwood recently held their annual banquet. Chief Sly also reported Westwood was awarded a \$50,000 DCED Grant to update all lights in the firehouse to LED and reduce energy costs.

- 2) May Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 3) May Westwood Fire Company EMS Report submitted for Board and resident review.
- 4) May Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 5) May Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 6) May Modena Fire Company EMS Report submitted for Board and resident review.

E. TREASURER'S REPORT

1) May 31, 2018 Treasurer's Report.

MOTION: Chairman Herzog made a motion to approve the May 31, 2018 Treasurer's Report. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Chairman Herzog reported the Township's income is ahead of schedule this year. The real estate property tax income is already at 92% of the budget. Chairman Herzog said the Township's 2018 budgeted income is \$3.6 million and the Township has collected \$2.3 million in income year to date.

VOTE: 5-0

2) Payment Authorizations.

MOTION: Chairman Herzog made a motion to approve the Payment Authorizations as presented for the period of May 23, 2018 through June 26, 2018 in the total amount of \$240,644.17, as presented. Supervisor Kulp seconded.

VOTE: 5-0

3) Credit Card Rewards – Cashed Out – Cash Back.

As a follow-up to last month's Board of Supervisors meeting, Township Treasurer Pani Martin reported that the Township credit card does offer rewards. She stated that she has cashed out the rewards and the Township will be receiving a reward check for \$200.

4) Resolution for Disposition of Records.

MOTION: Chairman Herzog made a motion to approve Resolution 2018-18 approving the destruction of Township records per the provided list per the PA Municipal Records Manual Retention Schedule. Supervisor Kulp seconded.

VOTE: 5-0

5) Temporary Office Help Extension – Record Retention/Filing Project.

Township Treasurer Martin reported she discussed the record retention project with Township Manager Swichar, who would like the project to be honed in this month and a firm completion date be set. Township Treasurer Martin reported the project is overall going very well.

MOTION: Chairman Herzog make a motion to authorize hiring of a temporary administrative assistant thru Randstad at the rate of \$23 per hour to work up to 30 hours per week max through July 25, 2018. Supervisor Lambert seconded.

VOTE: 5-0

F. MANAGER'S REPORT

1) Mortonville Road Update.

Township Manager Swichar presented an update on Mortonville Road. He said he has been discussing Mortonville Road with the Township Traffic Engineer (Traffic Planning and Design, Inc.) and it is his understanding that the road will continue to deteriorate if it is not repaired. Township Manager Swichar stated he will be applying for funding through the PennDOT Multimodal Grant in the fall and he is working with the Chester County Conservation District to hopefully provide matching funds. A traffic count will be done on Mortonville Road on July 1st and July 2nd. The traffic count is necessary to document that the road is a low traffic volume road.

2) Republic Services Trash Contract Expires at Year End.

Township Manager Swichar reported the existing trash contract with Republic Services expires at the end of this year. He expects to have the bid specifications completed by the end of July. He will be working with Township Treasurer Martin on a resident survey which will be distributed through Survey Monkey.

G. LEGAL

1) Ordinances.

Solicitor Crotty reported that four ordinances that he worked on with the Planning Commission are up for the Board of Supervisors consideration. Solicitor Crotty presented a brief explanation of the four ordinances as follows:

- a. Flag Pole Ordinance – The current flagpole ordinance did not allow flagpoles in front yards. They tweaked the language to allow flag poles in front yards with a required set back equal to the height of the flag pole.
- b. Blighted Property Ordinance – Codifies and establishes a lot of the exterior property maintenance and includes mechanisms to enforce the requirements.
- c. Day Care Centers and Day Care Homes Ordinance – Series of zoning ordinance amendments related to day care centers and day care homes to make sure day care centers are only allowed in commercial zoning districts.

- d. Shooting Range Ordinance – Provisions put in place to ensure safety for commercial and recreational shooting ranges.

MOTION: Chairman Herzog moved that the Township authorize the advertisement of public hearings for July 24, 2018, for the flagpole ordinance amendments, the Blighted Property Ordinance and the zoning ordinance amendments related to day care centers/day care homes and shooting ranges. Supervisor Lambert seconded.

VOTE: 5-0

2) Personnel – Clarification to Manager Agreement.

Solicitor Crotty explained that there was a question on how sick and personal time is accrued for the Township Manager position. Township Treasurer Martin explained that union employees' accruals start on January 1 of each year and non-union employees do not. She stated it would be easier if all employees' accruals are based on the same method.

MOTION: Chairman Herzog moved that the Township amend the letter agreement with the Township Manager to memorialize and clarify that sick and personal time accrues on a calendar basis, effective 1/1/19. Supervisor Lambert seconded.

VOTE: 5-0

Township Treasurer Martin asked if her sick and personal time accruals will also be based on a calendar year going forward. Township Manager Swichar said he plans to make edits to the employee manual including the accruals. He said he would like to make the proposed changes to the employee handbook and present those changes to the Board of Supervisors.

3) Subdivision and Land Development (SALDO) – Ridgecrest Development.

Solicitor Crotty reported that Ridgecrest is still working on the settlement process and there are two outstanding issues. One outstanding issue is the On-lot Sewage Management Agreement. As part of the Homeowners Association documents, created and approved by the developer, existing lots 71 and 72 require an On-Lot Sewage Management Agreement. They are required to maintain the on-lot septic systems for those two lots. If the systems fail, the Township has the right to intervene at the homeowner's expense. Supervisor Katja DiRado asked why these two lots are not going to be hooked up to public sewer. Solicitor Crotty stated as part of the Homeowners Association documents created by the developer, those two lots are required to install on-lot septic systems and be subject to this agreement.

MOTION: Chairman Herzog moved that the Township authorize the execution of the On-Lot Sewage Management Agreement for the Ridgecrest Development in the form as presented. Supervisor Joe Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Township Resident Erwin Zeller asked where the sewage treatment plant is located and who is responsible for maintaining the sewage treatment plant. Chairman Herzog stated the sewage treatment plant is located in Coatesville and it is maintained by PA American Water.

VOTE: 5-0

4) Ridgecrest Development– 90 Day Recording Requirement.

Solicitor Crotty reported Rouse Chamberlin had raised a second request earlier today. Under the Municipalities Planning Code, once the Board of Supervisors signs and releases plans, they have 90 days to record the plans with the County. The 90-day time limit for Ridgecrest is up tomorrow. The alternative to having them resubmit all the plans for signature is to authorize the Chairman to execute a letter to waive the 90-day requirement. Solicitor Crotty suggested limiting the extension to August.

MOTION: Chairman Herzog made a motion to authorize himself as the Chair to execute a letter to the Ridgecrest Development to waive the 90-day recording requirement and give them until the end of August to finalize that. Supervisor Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Township Resident Thomas Nash asked if the two lots that will have on-lot septic systems have already had perk tests done. Solicitor Crotty stated that was included in the original plans. Supervisor Kulp stated those two lots have the original farmhouses on them.
- b. Township Resident Erwin Zeller asked if it is the developer's responsibility to hook up to the sewage treatment plant. Chairman Herzog said that is correct.

VOTE: 5-0

H. PLANNING COMMISSION

1) Planning Commission Report.

Planning Commission Chairman Dennis Crook presented an update on the most recent Planning Commission meetings which were held on June 4 and June 16. At the June 4 Planning Commission meeting, they worked with Solicitor Crotty on the ordinances that were presented earlier in the meeting. They are also currently working on a rental property ordinance and a dumpster/pod ordinance. Planning Commission Chairman Crook also mentioned he found a brief write-up of Pennsylvania's zoning history and he distributed copies of the article to the Board of Supervisors. Planning Commission Chairman Crook stated there are issues that the Township might want to proactively address such as billboards. This is still being worked on at the Planning Commission level. Planning Commission Chairman Crook also discussed Township-owned properties. Solicitor Crotty discussed deed restrictions and options for a deeded open space property. Planning Commission Chairman Crook presented an update on the official map project. He reported that Ray Ott (consultant) is working on the final draft of the official map. Township Treasurer Martin reported that Ray Ott did provide the office with a database list of Township roads and distances. She explained that most of the road names are on the official map. However, the development road names can't be added to the map because the space is too small on the map. She said that Ray Ott will provide additional side-maps for the developments with the streets blown up to show the street names.

I. POLICE DEPARTMENT

Police Department Report for the month of May submitted for Board and resident review.

1) South Brandywine Middle School.

Police Chief Chris Porter discussed a recent incident that occurred at South Brandywine Middle School on June 1, 2018. One student received a threatening text from another student at another school within the Coatesville Area School District. The student threatened to shoot the other student. The school went on lockdown. Chief Porter stated he did not find out about the incident until June 4, 2018 when the school sent out a recording about the incident to school district parents. At this point, Chief Porter stated he contacted the school asking about the incident and questioned why the East Fallowfield Township Police Department was not notified. According to the law, the East Fallowfield Police Department should have been notified. Chief Porter said that they didn't get an adequate answer from the school as to why the East Fallowfield Police Department was not notified about the incident. Chief Porter discussed the Memorandum of Understanding. He said he worked on the Memorandum of Understanding with Solicitor Brown, made changes and resubmitted it to the school. The school never returned it to him. Chief Porter stated he will send the past memorandum to the school again. Chief Porter said the school Board should be aware that the police department is not being notified and the Township needs to find out why they are not being notified. Chairman Herzog asked Solicitor Crotty if there is anything that the Township can do legally. Solicitor Crotty stated the Township cannot force them to sign the

Memorandum of Understanding, however, they can apply public pressure. Chief Porter will send the Memorandum of Understanding to Solicitor Crotty and he will craft a letter to the school.

Planning Commission Chairman Crook informed Chief Porter that the Mayor of Modena, Ms. Antoinette Johnson, recently spoke to him about getting East Fallowfield Township Police protection for Modena Borough. Chief Porter said that no one from Modena has reached out to him.

J. PUBLIC WORKS DEPARTMENT

Road Department Report for the Month of May submitted for Board and resident review.

1) 2018 Road Project.

Chairman Herzog reported the Township received five bids on the 2018 road project and Long's Asphalt came in as the low bidder.

MOTION: Chairman Herzog moved that the Township award the bids for the 2018 paving project to Long's Asphalt, Inc. in the amount of \$241,302.20. Supervisor Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Township Resident Erwin Zeller asked if the cost of the road project was being paid for out of the General Fund or the Liquid Fuels Fund. Chairman Herzog stated that most of the cost will come out of the Liquid Fuels Fund, however some money will come out of the General Fund for this project. Mr. Zeller asked what percentage of the cost will come from the General Fund. Township Treasurer Martin stated \$75,000 will come from the General Fund which equates to 1/3 of the total project cost.

VOTE: 5-0

K. PARK & RECREATION COMMITTEE

- 1) Chairman Herzog announced that the Park & Recreation Committee has enough members to hold a first meeting which will be on Tuesday, July 17, 2018 at 6:30 PM at the East Fallowfield Park Pavilion. This meeting is open to the public.
- 2) No Report Submitted.

L. HISTORICAL COMMISSION

- 1) No Report Submitted. June 6, 2018 Historical Commission meeting was cancelled.

M. PUBLIC PARTICIPATION

- 1) Township Resident Erwin Zeller asked if the Township receives any compensation for mowing and bailing the grass around the park (Route 82 and Strasburg Road). Chairman Herzog said the Township does not financially gain from performing this service.
- 2) Township Resident Ellen Kuechner asked about the progress of the feral cat initiative that she had discussed at a previous Board of Supervisors meeting. He questioned if there any follow-up with reaching out to the SPCA or posting the information on the website. Township Treasurer Martin stated they did not receive the information to post on the website. Township Manager Swichar said that the SPCA contract is up for renewal and he will reach out to them about this issue. Ms. Kuechner also asked if the Township could provide a means of anonymous reporting of people feeding feral cats. She said this would help track locations of the feral cats for trapping. Chief Porter said the Township previously worked with the Cat Angel Network and the program is effective. Chief Porter said the Cat Angel Network does charge for each cat. Chairman Herzog said the Township can put an article in the next Township newsletter with information on the program. Supervisor DiRado also suggested an information table at Park Day. Planning Commission Chairman Crook suggested posting on the NextDoor.com website. Ms. Kuechner thanked the Township for putting up the deer warning sign on Strasburg Road. Ms. Kuechner stated they need more deer warning signs along Strasburg

Road as well as stricter speed monitoring. Township Manager Swichar reported that one deer sign has been put up and that he is working on getting more. Chief Porter said the Police Department is working on the speeding issue. She also requested the Township consider taking a progressive position to ban plastic bags in the Township. Ms. Kuechner asked if businesses and apartments in the Township recycle. Township Manager Swichar said the Township Ordinance does require commercial businesses and apartments to recycle. Township Treasurer Martin said that commercial businesses submit recycling tonnage reports to the Township. Ms. Kuechner asked the Board if an ordinance could be adopted that requires businesses to put out recycling bins for customers to recycle take-out food containers. There was a discussion about how to increase commercial recycling in the community.

3. ADJOURNMENT

MOTION: Chairman Herzog made a motion to adjourn the Board of Supervisors meeting at 7:58 p.m. Supervisor Lambert seconded. VOTE: 5-0

Respectfully Submitted,



Lisa Valaitis,
Township Secretary